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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,492	07/16/2003	Yuji Nagashima	50099-233	8833

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MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

HANG, VU B

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/619,492	NAGASHIMA ET AL.
	Examiner	Art Unit
	Vu B. Hang	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 April 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>11/21/2005</u> .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

- This office action is responsive to the communication filed on 04/01/2008.
- Claims 1-12 are pending in the application.

Prosecution Is Reopened/Finality Withdrawn

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments filed on 04/01/2008, with respect to the cited prior art Hatta (US Pub. 2005/0117948 A1), have been fully considered and are persuasive. The examiner acknowledges the filing date of the present application is prior to Hatta's U.S. national phase filing date, and that Hatta is an improper prior art. Therefore, the previous rejections of Claims 1-12 have been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Behlok (US Patent 6,469,805 B1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Behlok (US Patent 6,469,805 B1).
5. Regarding **Claim 1, 6 and 11**, Behlok discloses a printing system including at least one data processing device (see Fig.1 (18,26) and Col.4, Line 48-50), the at least one data processing device comprising: a layout creation element for generating layout data about a print including a photograph data to hold information about the first printing –specific photograph data associated with a layout result (see Fig.1 (38,50), Col.5, Line 29-33 and Col.7, Line 1-4), the first printing specific photograph data being digital data represented in an RGB color system (see Col.4, Line 60-67); a layout information combination element for combining the layout result with a setting file (see Fig.1 (22,38,42) and Col.5, Line 53-56); a color space conversion element for converting the first-printing specific photograph data into second-printing specific photograph data (see Col.1, Line 44-55, Col.4, Line 60-67 and Col.5, Line 8-13), the second-printing specific photograph data being digital data represented in CMYK color system (see Col.5, Line 62 – Col.6, Line 3); a correction element for correcting the second-printing specific photograph data (see Fig.1 (22), Col.5, Line 53-56 and Col.6, Line 20-24); a replacement element for changing the association between the layout result and the first-printing specific photograph data in the layout information into association between the layout result and the second-printing specific photograph data (see Fig.1 (42), Col.7, Line 1-9 and Col.7, Line 15-19), wherein the setting file describing details of processes to be executed by the color space conversion element, the correction element and the replacement element (see Col.4, Line 2-7 and Col.6, Line 4-17), and the layout data subjected to the association change being passed to a rasterization process (see Col.7, Line 38-44).

6. Regarding **Claims 2, 7 and 10**, Behlok further discloses the first printing specific photograph data is obtained by converting the image data acquired by a digital camera into data represented in a standard color system independent of the type of digital camera (see Col.1, Line 18-30 and Col.4, Line 60-67).

7. Regarding **Claim 3**, Behlok further discloses the at least one data processing device is one layout data generation device (see Fig.1 (18,38,50) and Col.4, Line 48-53).

8. Regarding **Claims 8 and 12**, Behlok discloses a print data processing device for performing a predetermined process on layout data for defining a layout of a print (see Fig.1 (18), Col.5, Line 29-33 and Col.7, Line 1-4), the print data processing device comprising: a color space conversion element for converting the first-printing specific photograph data into second-printing specific photograph data (see Col.1, Line 44-55, Col.4, Line 60-67 and Col.5, Line 8-13), the first-printing specific photograph data being digital data representative of a photograph in layout data about a print including the photograph (see Col.4, Line 60-67, Col.5, Line 29-33 and Col.7, Line 1-11), the first-printing specific photograph data being represented in an RGB color system (see Col.4, Line 60-67), the second-printing specific photograph data being digital data represented in a CMYK color system (see Col.5, Line 62 – Col.6, Line 3); a correction element for correcting the second-printing specific photograph data (see Fig.1 (22), Col.5, Line 53-56 and Col.6, Line 20-24); a replacement element for changing the association between the layout result and the first-printing specific photograph data in the layout information into association between the layout result and the second-printing specific photograph data (see Fig.1 (42), Col.7, Line 1-9 and Col.7, Line 15-19); a rasterization process element for rasterizing the layout data subjected to the association change to generate print data (see Col.7, Line 38-44),

wherein the layout result being included in a setting file describing details of the processes to be executed by the color space conversion element, the correction element, and the replacement element (see Col.4, Line 2-7 and Col.6, Line 4-17).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behlok (US Patent 6,469,805 B1).

11. Regarding **Claim 4**, Behlok discloses the layout creation element and the layout information combination element are provided in one layout data generation device (see Fig.1 (18,38,42,50), and the print data processing device comprises a rasterization process element for rasterizing the layout data subjected to the association change to generate print data (see Fig.1 (48) and Col.7, Line 38-44). Behlok, however, fails to disclose that the print data processing device is separate from the layout data generation device. At the time of the invention, it would have been obvious for one skilled in the art to arrange for the printing system to include elements of the layout data generation unit to be separate from the elements of print data processing unit. The motivation would be for design choice reasons. The elements of the layout data generation unit and the elements of print data processing unit, whether separated or placed into a single device, would produce the same image data results.

12. Regarding **Claims 5 and 9**, Behlok further discloses the print data processing device further comprises a setting file creation element for creating and modifying the setting file (see Fig.1 (22), Col.5, Line 53-56 and Col.6, Line 20-25); and the print data processing device causes the setting file creation element to set a new setting file again and to perform an image conversion process again based on the new setting file when proof printing based on the print data produces an improper result (see Fig.2 (116,130,134,138), Col.5, Line 53-56 and Col.6, Line 20-25).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571)272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vu B. Hang/
Examiner, Art Unit 2625

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625